

1 UNITED STATES DISTRICT COURT

2 Northern District of California

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4 HAKAM SINGH MISSION, et al.,

No. C 12-6359 MEJ

5 Plaintiffs,

6 v.

7 ENRICO JOHN POLIMENO, et al.,

**ORDER DENYING AS MOOT
DEFENDANTS' MOTIONS TO
DISMISS**

8 Defendants.

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10 Pending before the Court are Defendants' Motions to Dismiss. Dkt. No. 3, 5, 9. However,
11 on January 17, 2013, Plaintiffs filed an Amended Complaint. Dkt. No. 13. Under Federal Rule of
12 Civil Procedure 15, a party may amend its pleading once "as a matter of course" within "21 days
13 after service of a responsive pleading or 21 days after service of a motion. Fed. R. Civ. P. 15(a)(1).
14 Thus, as no prior amended complaints have been filed, Plaintiffs were entitled to file an amended
15 complaint as a matter of course under Rule 15(a). The amended complaint supersedes the original
16 complaint, which is treated as non-existent. Since Defendants' motion are based on Plaintiffs'
17 original complaint, the Court hereby DENIES Defendants' motions as moot. Defendants shall file
18 an answer or other responsive pleading within 21 days from the date of this Order. The order to
19 show cause is DISCHARGED.

20 Plaintiffs are advised that no further amendments may be made without seeking leave of
21 Court pursuant to Rule 15 and Civil Local Rule 7. Any attempt to file an amended complaint
22 without proper notice to Defendants under Civil Local Rule 7 and a court order shall be stricken.

23 **IT IS SO ORDERED.**

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25 Dated: January 18, 2013

26 Maria-Elena James
27 United States Magistrate Judge

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